

1 Filed by: Merits Panel
2 Mail Stop Interference
3 P.O. Box 1450
4 Alexandria Va 22313-1450
5 Tel: 571-272-9797
6 Fax: 571-273-0042
7

Paper 53
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8
9 UNITED STATES PATENT AND TRADEMARK OFFICE

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11
12 BEFORE THE BOARD OF PATENT APPEALS
13 AND INTERFERENCES
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16 MERI **EDEL**MAN,
17 AVIHAI PERL, MOSHE FLAISHMAN, and
18 AMNON BLUMENTHAL,
19 Junior Party
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21 (Application 09/529,172),
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23 v.
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25 ANNE-MARIE **STOMP**, and
26 NIRMALA RAJBHANDARI,
27 Senior Party
28 (Patent 6,040,498).
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31 Patent Interference No. 105,261
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36 Before Delmendo, Lane, and Moore, Administrative Patent Judges.

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38 Lane, Administrative Patent Judge.
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41 **Judgment - Request for Adverse - Bd.R. 127(b)**
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Edelman has filed a request for adverse judgment as to the contested subject

1 matter. (Paper 43, Request).¹

2 Upon consideration of the record and for reasons given, it is

3 ORDERED that judgment on priority as to Count 2, the sole count of the
4 interference, is entered against junior party MERI EDELMAN, AVIHAI PERL, MOSHE
5 FLAISHMAN, and AMNON BLUMENTHAL;

6 FURTHER ORDERED that junior party MERI EDELMAN, AVIHAI PERL,
7 MOSHE FLAISHMAN, and AMNON BLUMENTHAL is not entitled to a patent
8 containing claims 1-8,² 12-18, 23-30, 32, 36, 54-58, and 65-71, which claims
9 correspond to Count 2;³

10 FURTHER ORDERED that, if there is a settlement agreement, the parties
11 are directed to 35 USC 135(b) and Bd.R. 205;

¹ Edelman filed the Request with its motion to redefine the interfering subject matter by substituting Count 2 for Count 1. (Paper 44). Since that motion was granted, Edelman's request is directed toward the subject matter of Count 2 and the claims that correspond to Count 2.

² The examiner has indicated that claim 3 is not patentable to Edelman on another basis as well (See Form 850, attached to Paper 1).

³ See the Redecclaration (Paper 52).

1 FURTHER ORDERED that a copy of this judgment shall be entered into
2 the administrative records of Edelman's 09/529,172 application and Stomp's 6,040,498
3 patent.

4	/Romulo H. Delmendo/)	
5	Administrative Patent Judge)	
6)	BOARD OF PATENT
7	/Sally Gardner Lane/)	APPEALS AND
8	Administrative Patent Judge)	INTERFERENCES
9)	
10	/James T. Moore/)	
11	Administrative Patent Judge)	
12)	

cc (via Federal Express):

Counsel for EDELMAN:

Roger L. Browdy, Esq.
BROWDY & NEIMARK PLLC
624 Ninth Street, N.W., Suite 300
Washington, D.C. 20001

Counsel for STOMP:

Richard P. Vitek, Esq.
Myers Bigel Sibley & Sajovec, P.A.
4140 Parklake Avenue, Suite 600
Raleigh, N.C. 27612